

### **Remarks**

Reconsideration of the application is respectfully requested in view of the following remarks. Claims 1 and 3-13, 15-24, 26, 28, 31-36, and 38-39 are pending in the application. No claims have been allowed. Claims 1, 20, 31, and 36 are independent. Claims 1, 15-17, 20, 26, 31, 34, and 36 have been amended. Claims 14, 25, 27, 29, 30, and 37 are canceled.

### **Interview Summary**

On April 8, 2008, Applicants' representative Cory A. Jones conducted a telephonic interview with Examiner Thuy Dao. The Gordon reference was discussed, as were proposed claim amendments. No specific agreement was reached, but the Examiner indicated tentative approval that Gordon did not teach or suggest the proposed amendments to claim 1, which have been incorporated into all independent claims in this amendment. Applicants thank the Examiner for his time.

### **Request for Review of Information Disclosure Statement**

Applicants note that the Action does not include an initialed copy of the Form 1449 which accompanied the Information Disclosure Statement filed on May 3, 2006. Applicants respectfully request that the Examiner provide initialed copies of the indicated Forms 1449.

### **§ 102 Rejections**

The Action rejects claims 1 and 3-39 under 35 U.S.C. § 102(e) as being anticipated by Gordon et al., U.S. Patent Application No. 6,560,774 (Gordon). Applicants respectfully submit that the claims are allowable over Gordon. To establish a prima facie case of anticipation, the applied art must show each and every element as set forth in a claim. MPEP § 2131.01. However, the Gordon does not describe each and every element. Accordingly, Applicants requests that the § 102(e) rejection be withdrawn.

Claims 1, 3-13, and 15-19 are Allowable Over Gordon

Claim 1 has been amended to recite: "wherein the classifications of types comprises a primitive type associated with a size, and wherein the size is settable to represent a constant size, the size is settable to represent a symbolic size, and the size is settable to represent an unknown size." Gordon does not teach or suggest the above amended language of claim 1.

Gordon states, for example,

The natural size types (I, R, U, O, and &) are a mechanism in the EE for deferring the choice of a value's size. These data types have a **fixed** but unknown size when the IL is generated at compile time.  
(Gordon, 27:64-67. Emphasis added)

Gordon continues to describe both unmanaged pointer types, such as type U, and managed pointer types, such as types O and &. (*See generally* Gordon, 27:64-28:44. *See also* Gordon, Figure 24, describing the pointers as 8-bit, 16-bit, 32-bit, or 64-bit.)

These pointer types, however, are not the same as a primitive type associated with a size wherein the size is settable to represent a constant size, the size is settable to represent a symbolic size, and the size is settable to represent an unknown size as recited in claim 1.

Because Gordon does not teach or suggest the above recited language of claim 1 for the reasons above, claim 1 and its dependent claims 3-13 and 15-19 are allowable over Gordon. Applicants respectfully request withdrawal of the § 102(e) rejection and allowance of claims 1, 3-13, and 15-19.

Claims 20-24, 26, and 28 are Allowable Over Gordon

Independent claim 20 has been amended to recite: "associating a size with instances of the 'PrimType' class, by associating a size settable to represent an actual size, settable to represent a symbolic size, and settable to represent an unknown size with the 'PrimType' class." Gordon does not teach or suggest the above amended language of independent claim 20.

As described above, Gordon describes size types having a **fixed** but unknown size. This is not the same as, and does not teach or suggest, associating a size with instances of the 'PrimType' class by associating "a size settable to represent an actual size, settable to represent a symbolic size, and settable to represent an unknown size" with the 'PrimType' class as recited in independent claim 20.

Because Gordon does not teach or suggest the above recited language of independent claim 20 for the reasons above, independent claim 20 and its dependent claims 21-24, 26, and 28 are allowable over Gordon. Applicants respectfully request withdrawal of the § 102(e) rejection and allowance of claims 20-24, 26, and 28.

Claims 31-35 are Allowable Over Gordon

Independent claim 31 has been amended to recite:

defining a plurality of classes hierarchically below the base class, wherein the plurality of classes represent type information for the typed intermediate language, and wherein the plurality of classes represent at least pointer types, container types and function types of a plurality of programming languages, and wherein the classes further comprise primitive types and the primitive types are associated with a size settable to represent a constant size, settable to represent a symbolic size, and settable to represent an unknown size.

Gordon does not teach or suggest the above amended language of independent claim 31.

As described above, Gordon describes size types having a **fixed** but unknown size. This is not the same as, and does not teach or suggest, classes comprising primitive types that are "associated with a size settable to represent a constant size, settable to represent a symbolic size, and settable to represent an unknown size" as recited in independent claim 31.

Because Gordon does not teach or suggest the above recited language of independent claim 31 for the reasons above, independent claim 31 and its dependent claims 32-35 are allowable over Gordon. Applicants respectfully request withdrawal of the § 102(b) rejection and allowance of claims 31-35.

Claims 36, 38, and 39

Independent claim 36 has been amended to recite:

defining a programming class of the class hierarchy as 'PrimType', wherein an object of class 'PrimType' is a type representation for the typed intermediate language for primitive types in a section of code written in one of a plurality of programming languages;

wherein an object of class 'PrimType' is associated with a size settable to represent a constant size, settable to represent a symbolic size, and settable to represent an unknown size.

Gordon does not teach or suggest the above amended language of independent claim 36.

As described above, Gordon describes size types having a **fixed** but unknown size. This is not the same as, and does not teach or suggest, objects of a class 'PrimType' associated with "a size settable to represent a constant size, settable to represent a symbolic size, and settable to represent an unknown size" as recited in independent claim 36.

Because Gordon does not teach or suggest the above recited language of independent claim 36 for the reasons above, independent claim 36 and its dependent claims 38 and 39 are allowable over Gordon. Applicants respectfully request withdrawal of the § 102(e) rejection and allowance of claims 36, 38, and 39.

### **Request for Interview**

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

### **Conclusion**

The claims should be allowable. Such action is respectfully requested.

Respectfully submitted,

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